

United States of America,
Plaintiff,

VS.

Manuel De Jesus Zavala-Ruiz,
Defendant.

Thereafter, in open court and on the record, the matter came on for hearing on Defendant's admission(s) to the allegation(s) in the Petition to Revoke before the Magistrate Judge.

(A) I FIND as follows:

- (1) that Defendant is competent to admit the violation(s);
- (2) that Defendant understands the nature of the allegation(s) against him/her;
- (3) that Defendant understands his/her right to an evidentiary hearing and has knowingly, intelligently and voluntarily waived his/her right to that hearing;

1 (4) that Defendant understands the sentencing options the Court may impose as
2 a result of his/her admission(s);

3 (5) that Defendant has admitted the following the allegation contained in the
4 petition

5 ; further, and it is agreed that remaining allegations, if applicable, in the petition will be
6 dismissed at disposition; and

7 (6) that there is a factual basis for the Defendant's admission(s);

8 (7) that the admission(s) by the Defendant has/have been knowingly, intelligently
9 and voluntarily made and is/are not the result of force or threats or of promises
10 apart from the agreement between the parties;

11 (8) **AGREEMENT:**

12 ☐ There is no written agreement;

13 ☒ Written agreement submitted and Defendant waives his/her right to appeal
14 the judgment and disposition of the supervised release;

15 ☐ Oral agreement of parties;

16 (9) **SENTENCE:**

17 ☒ The parties agree that the Defendant will be sentenced to : 8 months
18 of incarceration;

19 ☐ that the government will recommend a period of incarceration not to
20 exceed the middle of the applicable guideline range under U.S.S.G § 7B1.4(a)
21 (Revocation Table), and not below the minimum of that range, i.e. months
22 incarceration;

23 ☐ Other, specifically:

24 (10) **SUPERVISED RELEASE/ADDITIONAL CONDITIONS:**

25 ☐ An additional term of ____ months supervised release;

26 ☐ An additional term of supervised release to be determined by the court;

27 ☒ No additional term of supervised release

28 ☐ Additional Conditions:

(11) **CONSECUTIVE/CONCURRENT:**

☒ There is no agreement regarding consecutive or concurrent sentences (or the issue is not applicable in this case);

☐ The government agrees that it will not take a position regarding this issue.

(B) I RECOMMEND that the District Court accept the Defendant's admission(s).

DATED this 8th day of December, 2011.

Charles R Byr

CHARLES R. PYLE

UNITED STATES MAGISTRATE JUDGE